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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **OAKLAND DIVISION**

14 PG&E Corp., et al.

15 *Appellants*

16 v.

17 California Department of Water  
18 Resources

19 *Appellee*

Case No. 4:22-cv-02833-HSG

On Appeal from the United States  
Bankruptcy Court for the Northern  
District of California

Chapter 11 Case No.: 19-30088 (DM)  
(Lead Case) (Jointly Administered)

20 **STIPULATION AND ~~PROPOSED~~**  
21 **ORDER MODIFYING BRIEFING**  
22 **SCHEDULE**

1 PG&E Corporation and Pacific Gas and Electric Company (as debtors, and as  
2 reorganized pursuant to the plan of reorganization confirmed in the above-captioned  
3 chapter 11 cases, the “**Reorganized Debtors**” or “**Appellants**”), on the one hand,  
4 and the California Department of Water Resources (“**Appellee**,” and, together with  
5 the Appellants, the “**Parties**,” and each, a “**Party**”) on the other hand, hereby  
6 stipulate as follows:

7 WHEREAS, pursuant to the Initial Case Management Scheduling Order (the  
8 “**Scheduling Order**”), entered on May 13, 2022 [Dkt. No. 2], Appellants’ principal  
9 brief is due “no more than 30 days after docketing of notice that the record has been  
10 transmitted or is available electronically on the District Court’s docket,” and  
11 Appellee’s response brief is due 30 days after Appellant’s principal brief is filed and  
12 served;

13 WHEREAS, notice that the record has been transmitted or is available  
14 electronically was filed on June 7, 2022, and entered on the docket of this appellate  
15 case on June 8, 2022, and Appellants’ principal brief is therefore due on July 8,  
16 2022;

17 WHEREAS, a related appeal of the same bankruptcy court orders that are the  
18 subject hereunder is currently pending before this Court as *Northern California*  
19 *Power Agency, et al. v. California Department of Water Resources* (Case No. 22-cv-  
20 02834 (HSG)) (“**Case No. 22-cv-02834**”).

21 WHEREAS, the Parties, together with the parties in Case No. 22-cv-02834,  
22 have met and conferred regarding a briefing schedule with respect to this appeal and  
23 Case No. 22-cv-02834, and, in light of the intervening summer holiday and  
24 schedules of counsel, the Parties have agreed to a modest modification of the  
25 Scheduling Order as set forth herein, and the parties in Case No. 22-cv-02834 have  
26 agreed to an identical modified briefing schedule in Case No. 22-cv-02834 and will  
27 be submitting a similar stipulation and proposed order in that appeal;

1           WHEREAS, this is the first request by any Party to modify the Scheduling  
2 Order;

3           WHEREAS, the Parties believe the requested enlargement of time will have a  
4 negligible, if any, impact on the timeframe for the resolution of this appeal because  
5 there is no schedule in place beyond the filing dates for briefing, and no argument  
6 date has been set.

7 **IT IS HEREBY STIPULATED:**

8           1. The Scheduling Order is modified as stated herein.

9           2. Appellants' principal brief shall be filed and served no later than  
10 August 8, 2022.

11           3. Appellee's response brief shall be filed and served no later than  
12 October 14, 2022.

13           4. Appellants' reply brief shall be filed and served no later than  
14 November 14, 2022.

15           5. The Order approving this Stipulation is without prejudice to any Party  
16 herein to request further modifications of the Scheduling Order.

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1 Dated: June 21, 2022  
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**WEIL, GOTSHAL & MANGES LLP  
KELLER BENVENUTTI KIM LLP**

4 By: /s/ Jane Kim  
5 Jane Kim

6 *Attorneys for Appellants (Debtors and  
Reorganized Debtors)*

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15 By: /s/ Paul J. Pascuzzi

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19 LLP  
20 Attorneys for Appellee California  
21 Department of Water Resources, by and  
22 through the State Water Project

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“Pursuant to Local Rule 5-1(h)(3), I, Thomas B. Rupp, attest that concurrence in filing  
this document has been obtained from the other signatories.”

KELLER BENVENUTTI KIM LLP

21 /s/ Thomas B. Rupp  
22 Thomas B. Rupp

## ORDER

WHEREAS, on June 21, 2022, the Appellants and Appellee filed the *Joint Stipulation and Proposed Order Modifying Briefing Schedule* (the “**Stipulation**”) requesting that the Scheduling Order in this appeal be modified;

For the reasons set forth in the Stipulation, and good cause appearing therefor,

1. The Scheduling Order is modified as stated herein.

2. Appellants' principal brief shall be filed and served no later than August 8, 2022.

3. Appellee's response brief shall be filed and served no later than

October 14, 2022.

4. Appellants' reply brief shall be filed and served no later than

November 14, 2022.

5. This Order is without prejudice to any Party herein to request further modifications of the Scheduling Order.

## IT IS SO ORDERED.

Dated: 6/22/2022

Haywood S. Gill, Jr.

The Honorable Haywood S. Gilliam, Jr.

## United States District Judge